

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 260

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Peter Wirth

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; CREATING THE NEW MEXICO SCHOOL FOR THE ARTS AS A CHARTER SCHOOL, WHICH WILL BE A STATEWIDE RESIDENTIAL HIGH SCHOOL FOR GRADES NINE THROUGH TWELVE; EXEMPTING THE SCHOOL FROM CERTAIN PROVISIONS OF THE CHARTER SCHOOLS ACT; SPECIFYING TO WHOM THE CHARTER APPLICATION SHALL BE SUBMITTED; PROVIDING FOR ADMISSIONS CRITERIA; PROVIDING FOR ROOM AND BOARD FEES; PROVIDING FOR PLANNING AND OUTREACH ACTIVITIES; PROVIDING FOR DEADLINES FOR NOTIFICATION AND SUBMISSION OF INITIAL APPLICATION; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the

.165255.1

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 "New Mexico School for the Arts Act"."

2 Section 2. A new section of the Public School Code is
3 enacted to read:

4 "[NEW MATERIAL] PURPOSE.--The purpose of the New Mexico
5 School for the Arts Act is to establish the New Mexico school
6 for the arts as a statewide, residential charter high school to
7 provide New Mexico students who have demonstrated artistic
8 abilities and potential with expanded opportunities to pursue a
9 career in the arts. The school shall offer intensive
10 pre-professional and professional instruction in the performing
11 and visual arts combined with a strong academic program leading
12 to a high school diploma."

13 Section 3. A new section of the Public School Code is
14 enacted to read:

15 "[NEW MATERIAL] SCHOOL EXEMPT FROM CERTAIN PROVISIONS OF
16 THE CHARTER SCHOOLS ACT.--The New Mexico school for the arts is
17 subject to all provisions of the Charter Schools Act except
18 Subsection K of Section 22-8B-4 NMSA 1978 and Section 22-8B-4.1
19 NMSA 1978. The New Mexico school for the arts shall not charge
20 tuition except as otherwise provided in the Public School
21 Code."

22 Section 4. A new section of the Public School Code is
23 enacted to read:

24 "[NEW MATERIAL] CHARTER APPLICATION.--The charter
25 application for the New Mexico school for the arts shall be

.165255.1

underscored material = new
[bracketed material] = delete

1 submitted to the commission as provided in the Charter Schools
2 Act and subject to the provisions of Section 3 of the New
3 Mexico School for the Arts Act."

4 Section 5. A new section of the Public School Code is
5 enacted to read:

6 "[NEW MATERIAL] ADMISSIONS CRITERIA.--

7 A. The governing body of the New Mexico school for
8 the arts shall establish admissions criteria designed to admit
9 students who show exceptional talent, promise or aptitude in
10 the arts and an interest in pursuing a career in the arts.
11 Students shall be considered for admission regardless of their
12 opportunity to obtain training prior to admission.

13 B. The governing body shall ensure, to the greatest
14 extent possible and without jeopardizing admissions standards,
15 that an equal number of students is admitted to the school from
16 each of the state's congressional districts.

17 C. In order to acquaint potential students with the
18 programs offered by the school, the school shall conduct
19 outreach activities throughout the state. The outreach
20 activities shall include summer arts programs for middle school
21 students, workshops for teachers and programs suitable for
22 elementary school students. There shall be no admissions
23 criteria established for participation in outreach activities.

24 D. The school shall be subject to all federal and
25 state laws and constitutional provisions prohibiting

.165255.1

underscoring material = new
[bracketed material] = delete

1 discrimination on the basis of disability, race, creed, color,
2 gender, national origin, religion, ancestry or need for special
3 education services."

4 Section 6. A new section of the Public School Code is
5 enacted to read:

6 "[NEW MATERIAL] ROOM AND BOARD--CHARGES--STATE
7 PAYMENTS.--The New Mexico school for the arts shall charge
8 residential students a fee to cover the costs of room and
9 board. The governing body of the school shall establish a
10 sliding-fee scale based on the student's ability to pay. The
11 department shall approve room and board charges and the
12 sliding-fee scale prior to implementation. The state shall
13 reimburse the school for the difference between the actual
14 revenue received from students and the total cost of room and
15 board calculated by multiplying the average cost of room and
16 board at the state's post-secondary educational institutions
17 enumerated in Article 12, Section 11 of the constitution of New
18 Mexico, including the New Mexico military institute, by the
19 full-time-equivalent number of students residing at the school.
20 The department shall provide an estimate to the legislative
21 education study committee and to the legislative finance
22 committee by November 30 of each year regarding the difference
23 between the projected cost of room and board for the succeeding
24 school year and the projected revenue from the fee charged to
25 students."

.165255.1

underscoring material = new
[bracketed material] = delete

1 Section 7. TEMPORARY PROVISION--PLANNING AND OUTREACH
2 ACTIVITIES--DEADLINES FOR NOTIFICATION AND SUBMISSION OF
3 INITIAL APPLICATION.--

4 A. The governing body of the New Mexico school for
5 the arts shall, in consultation with the public education
6 department and the higher education department, conduct
7 planning and outreach activities during school years 2006-2007
8 and 2007-2008 in preparation for the school to open for the
9 2008-2009 school year.

10 B. Notwithstanding the deadline established in
11 Subsection B of Section 22-8B-6 NMSA 1978, at least ninety days
12 prior to initial application, the organizers of the New Mexico
13 school for the arts shall provide written notification of
14 intent to establish a charter school to the public education
15 commission and the school district in which the school is
16 proposed to be located.

17 Section 8. APPROPRIATION.--Seven hundred fifty thousand
18 dollars (\$750,000) is appropriated from the general fund to the
19 public education department for expenditure in fiscal years
20 2007 and 2008 to provide financial support for initial start-up
21 costs, including planning and outreach activities, for the New
22 Mexico school for the arts. The department may use up to three
23 percent of the appropriation for administrative costs. Any
24 unexpended or unencumbered balance remaining at the end of
25 fiscal year 2008 shall revert to the general fund.

.165255.1

